



City of NORFOLK

C: Dir., Department of Utilities

To the Honorable Council
City of Norfolk, Virginia

January 12, 2016

From: Kristen M. Lentz, P.E., Director of Utilities

Subject: Release of Drainage and
Utility Easement in former S. Cape
Henry Avenue right-of-way

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/6

Approved:

Marcus D. Jones, City Manager

Item Number:

PH-2

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Utilities

III. **Description:**

This agenda item is an Ordinance approving the release of a City of Norfolk ("City") drainage and utility easement (the "easement") over a portion of the former S. Cape Henry Avenue right-of-way that is no longer needed for municipal purposes.

IV. **Analysis**

The Economic Development Authority ("EDA") has requested the release of the easement in order to facilitate development in the former right-of-way of S. Cape Henry Avenue.

V. **Financial Impact**

There is no financial impact.

VI. **Environmental**

N/A.

VII. **Community Outreach/Notification**

No other parties, rights or usage are affected. Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. **Board/Commission Action**

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the City Attorney's Office, the Department of Utilities, and the Department of Public Works.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A
- Exhibit B

Form and Correctness Approved:

By Nathan Seaman
Office of the City Attorney

Contents Approved:

By Kurt M. Long
DEPT. Utilities

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE RELEASE OF A UTILITY AND DRAINAGE EASEMENT OVER A PORTION OF THE FORMER RIGHT-OF-WAY OF SOUTH CAPE HENRY AVENUE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPROPRIATE DEED OF RELEASE ON BEHALF OF THE CITY.

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WHEREAS, by ordinance numbered 45,751, duly adopted by the Council of the City of Norfolk at the regularly scheduled public meeting held on October 28, 2014, following the public hearing, the Council closed, vacated and discontinued a portion of South Cape Henry Avenue and approved the conveyance of the underlying fee of said portion of South Cape Henry Avenue to the Economic Development Authority of the City of Norfolk ("EDA"), subject to the reservation of a utility and drainage easement; and

WHEREAS, the EDA has requested the release of the said utility and drainage easement in order to facilitate development in that area; and

WHEREAS, the City's Department of Utilities and Department of Public Works have confirmed that the easement is not needed for municipal purposes; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the release of the permanent utility and drainage easement located on, over and under the portion of the former right-of-way of South Cape Henry Avenue as described in Exhibit A and shown on Exhibit B, is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are authorized to execute and deliver to the EDA, or to the current owner of the former right-of-way of South Cape Henry Avenue, a deed of release, in form satisfactory to the City Attorney, and to do all other things necessary and proper to effect the release of the said easement.

Section 3:- That this ordinance shall be in effect from and after 30 days from the date of its adoption.

**Utility and Drainage Easement to be Released
in the Former Right-of-Way of South Cape Henry Avenue**

That certain utility and drainage easement located in the former right-of-way of South Cape Henry Avenue, the northern boundary of which is the southern line of the Eastern Shore Railroad right-of-way and the southern boundary of which is the southern line of Cape Henry Avenue as shown on that certain plat entitled, "Camden Heights property of Homes Association of Norfolk Inc.," dated April 1918, and recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach in Map Book 3 at Page 37; thence, beginning at the line that forms the corporate limits of the cities of Norfolk and Virginia Beach ("Line of Beginning"), running southwesterly to the terminus of the closure, which terminus is 1175.34 feet along the said southern line of Cape Henry Avenue from the Line of Beginning and 1174.45 feet along the said southern line of the Eastern Shore right-of-way from the Line of Beginning.

September 14, 2015

